

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 31-50 were pending in the application, of which Claims 31 and 34 are independent. Claims 27-30 have been withdrawn from consideration. In the Office Action dated March 23, 2004, Claims 31-50 were rejected under 35 U.S.C. § 112 and Claims 31-33, 38-39, and 46-50 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 31-50 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 112, Second Paragraph

In the Office Action dated March 23, 2004, the Examiner rejected Claims 31-50 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. While Applicants respectfully traverse this rejection, Claims 31 and 34 have been amended to place them in better form for consideration.

The Patent Act requires that through the patent claims, an applicant must particularly point out and distinctly claim the subject matter which he regards as his invention. (See 35 U.S.C. § 112, ¶ 2; "The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.") The test for whether a claim meets the definiteness requirement is "whether one skilled in the art would understand the bounds of the claim when read in light of the specification." Because the claim terms "top chimney" and "bottom chimney" are clearly set forth in the specification as originally filed, these terms

are not indefinite. For example, "top chimney" is clearly set forth at least at: page 19, line 1; page 27 line 20 through page 28, line 15; FIG. 1; and FIG. 4. Moreover, "bottom chimney" is clearly set forth at least at: page 19, line 2; page 34 line 16 through page 36, line 6; FIG. 1; FIG. 2; and FIG. 6. Accordingly, Claims 31-50 are not indefinite, and Applicants respectfully request withdrawal of this rejection of Claims 31-50.

II. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 31-33, 38-39, and 50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,608,473 ("*Paek*") in view of U.S. Patent No. 4,988,374 ("*Harding*"), U.S. Patent No. 4,030,901 ("*Kaiser*"), and Japanese Patent No. JP 8-91862 ("*Kazuya*"). Furthermore, the Examiner rejected dependent Claims 38-39 under 35 U.S.C. § 103(a) as being unpatentable over *Paek* in view of *Harding*, *Kaiser*, *Kazuya*, and European Patent No. 0867412 ("*Uhm*"). Independent Claim 31 as been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter. Support for this amendment to Claim 31 can be found at least on page 29 of the specification, lines 20-24.

Amended Claim 31 is patentably distinguishable over the cited art in that it recites, for example, "the distributor body configured to tangentially receive and to uniformly introduce and forcedly direct the conditioning gas." Applicants respectfully submit that *Paek*, *Harding*, *Kaiser*, and *Kazuya*, either individually or in combination, at least do not disclose or suggest amended Claim 31's aforementioned recitation. For example, while *Kaiser* discloses ports 22, *Kaiser* does not suggest or disclose a

distributor body, much less a distributor body configured to tangentially receive and to uniformly introduce and forcedly direct conditioning gas.

Moreover, in contrast to the Examiner's contention, *Paek's* upper tube 62 does not disclose the claimed top chimney. (See Office Action page 5, lines 7-9.) For example, *Paek* merely discloses a susceptor 34 make in three tubes 62. *Paek's* upper tube 62 is not connected to the upper end of a furnace body, nor does it comprise on its upper portion a distributor body. (See col. 4, lines 14-26.) Instead, *Paek's* upper tube 62 is contained within the furnace body. (See FIG. 3.) Accordingly, independent Claim 31 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 31.

Dependent Claims 32-33 and 46-50 are also allowable at least for the reasons above regarding independent Claim 31, and by virtue of their dependency upon independent Claim 31. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 32-33 and 46-50.

Furthermore, dependent Claims 38-39 are also allowable at least for the reasons above regarding independent Claim 34, and by virtue of their dependency upon independent Claim 34. (See section I. above regarding the rejection of independent Claim 34 under 35 U.S.C. § 112, second paragraph.) Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 38-39.

III. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the

pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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